



PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Chiaki HAMADA et al.

Group Art Unit: 3664

Application No.: 10/815,765

Examiner: R. MANCHO

Filed: April 2, 2004

Docket No.: 119332

For: VEHICLE BRAKING CONTROL DEVICE FOR BRAKING FORCE
DISTRIBUTION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

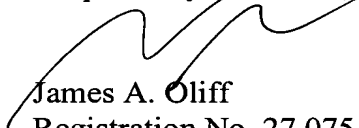
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This request is being filed with a Notice of Appeal and Petition for Extension of Time. Review of the July 10, 2008 Final Rejection is requested for the reasons set forth in the attached five or fewer sheets.

Should any questions arise regarding this submission, or the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, the Review Panel is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS

Attachments:

Petition for Extension of Time
Notice of Appeal

Date: January 12, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

REMARKS

Claims 1-15 are pending in this application.

Claims 1-15 were rejected under 35 U.S.C. §102(e) over Watanabe, U.S. Publication No. 2002/0185913. The rejection is respectfully traversed.

Claim 1 calls for a controller that is configured to execute a braking force distribution control, wherein braking force on the front wheels during execution of the braking force distribution control is increased, where a braking force increment on the front wheel is determined based upon an increment of the braking action by the driver detected by the detector; however, when execution of the anti-skid control for either of the front wheels is started during the braking force distribution control, the braking force increment on the front wheels is decreased during the braking force distribution control. Claim 12 calls for similar features.

Appellants respectfully submit that the rejection contains obvious legal and factual deficiencies because Watanabe fails to disclose starting execution of the anti-skid control during the braking force distribution control or having the braking force increment decrease during the braking force distribution control. Because Watanabe fails to disclose (or suggest) these features, a rejection under 35 U.S.C. §102(e) over Watanabe cannot be maintained.

To support this argument, and to illustrate the obvious legal and factual deficiencies, Appellants herein (1) discusses all of the sections cited in the July 10, 2008 Office Action related to braking force distribution control and anti-skid control, (2) explains that, although Watanabe performs an anti-skid control, the anti-skid control is not started during the braking force distribution control as called for by claims 1 and 12, and (3) asserts that Watanabe only discusses performing an anti-skid control and a braking force distribution control at separate times.

(1) THE OFFICE ACTION

Pages 2, 3, 5 and 6 of the Office Action refers to Watanabe's abstract, paragraphs [0008], [0009] and [0019]-[0021] and Figs. 1-5 in order to assert that Watanabe discloses the braking force distribution control of claims 1 and 12.

Watanabe's abstract and paragraphs [0008], [0009] and [0019]-[0021] discuss different ways of increasing the braking force applied to the front wheels such that the braking force applied to the front wheels versus the braking force applied to the rear wheels increases, and the advantages thereof. Watanabe never discusses having the braking force increment on the front wheels decrease during the braking force distribution control as called for by claims 1 and 12, or having execution of the anti-skid control started during the braking force distribution control as called for by claims 1 and 12.

Fig. 1 is a block diagram, Fig. 2 is a sectional view of the control valve, Fig. 3 is a flowchart of the brake control routine, Fig. 4 is a flowchart showing a control scheme executed at step S30 of Fig. 3 where it is determined whether execution of the braking force distribution control is allowed and Fig. 5 is a graph. Watanabe again never discusses having the braking force increment on the front wheels decrease during the braking force distribution control as called for by claims 1 and 12 or having execution of the anti-skid control started during the braking force distribution control as called for by claims 1 and 12.

Pages 3 and 6 of the Office Action refers to Watanabe's paragraphs [0062], [0068] and [0075] and again refers to Figs. 4 and 5 in order to assert that Watanabe discloses the anti-skid control of claims 1 and 12. Paragraph [0062] discusses performing anti-skid control so as to decrease excessive brake slip of the wheels, paragraph [0068] discusses performing anti-skid control when necessary according to known techniques and paragraph [0075] and Fig. 4 discuss determining if an anti-skid control is being performed in order to determine if braking force distribution control is allowed. Watanabe again never discusses having the braking force

increment on the front wheels decrease during the braking force distribution control as called for by claims 1 and 12 or having execution of the anti-skid started during the braking force distribution control as called for by claims 1 and 12.

(2) WATANABE'S ANTI-SKID CONTROL IS NOT STARTED DURING A BRAKING FORCE DISTRIBUTION CONTROL

Watanabe fails to provide any discussion with regard to starting execution of the anti-skid control for either of the front wheels during the braking force distribution control as called for by claim 1 and similarly called for by claim 12.

Watanabe's paragraph [0068] and Fig. 3 discuss determining the master cylinder pressure P_m (step S10) and the target brake pressure P_{ti} of each wheel (step S2) that can account for reducing excessive brake slip of the wheel. Thereafter, it is determined whether execution of front and rear wheel braking force distribution control is allowed (step S30). Watanabe's paragraphs [0075] and [0076] and Fig. 4, discuss how it is determined whether braking force distribution control is allowed (step S30). As illustrated by steps S33, S34 and S38 of Fig. 4, a braking force distribution control is not allowed if an anti-skid control is being performed.

Watanabe simply determines if an anti-skid control is being performed in order to determine if the braking force distribution control is allowed. Watanabe fails to provide any discussion as to when execution of the anti-skid control is started. Therefore, Watanabe fails disclose executing a braking force distribution control, wherein when execution of the anti-skid control for either of the front wheels is started during the braking force distribution control, the braking force increment on the front wheels is decreased during the braking force distribution control, as called for by claim 1 and as similarly called for by claim 12.

(3) WATANABE PERFORMS ANTI-SKID CONTROL AND BRAKING FORCE DISTRIBUTION CONTROL AT SEPARATE TIMES

As discussed above, Watanabe fails to provide any discussion as to when execution of the anti-skid control is started. In addition, Watanabe only discusses increasing the braking force during the braking force distribution control (abstract and paragraphs [0008], [0009] and [0019]-[0021]) and preventing the braking force distribution control from occurring during an anti-skid control (paragraphs [0075] and [0076] and Fig. 4). In other words, Watanabe only discusses increasing the braking force during the braking force distribution control and only discusses decreasing the braking force during the anti-skid control. Watanabe never discusses having the anti-skid control performed during the braking force distribution control or decreasing the braking force increment during the braking force distribution control.

Appellants therefore assert that Watanabe performs an anti-skid control and a braking force distribution control at separate times, and thus fails to execute a braking force distribution control, wherein when execution of the anti-skid control for either of the front wheels is started during the braking force distribution control, the braking force increment on the front wheels is decreased during the braking force distribution control, as called for by claim 1 and as similarly called for by claim 12.

Because Watanabe fails to disclose the above features or identify any problems associated with switching to an anti-skid control, Watanabe fails to achieve the advantages as discussed in Appellants' specification. In particular, as discussed on page 22, line 7-page 23, line 13 of Appellants specification, an anti-skid control for either of the front wheels is executed during the braking force distribution control as called for by claims 1 and 12, because if the braking force distribution control is abruptly cancelled, a disturbance of the vehicle attitude would be created.

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In view of the foregoing, it is respectfully submitted that the rejection contains obvious legal and factual deficiencies. It is thus respectfully requested that the rejection be withdrawn.